THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16425 of 2007

Dated:06.08.2007

Between:

Banoth Bhav Singh, S/o.Late Bhadru.

…Petitioner

and

The Tahasildar, Khammam urban Mandal, Khammam District.

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16425 of 2007

ORDER:

The petitioner, who is a resident of Gopalapuram Village, Hamlet of Gollagudem, Khammam Urban Mandal, Khammam District, is allegedly a landless poor person and belongs to Scheduled Tribe community. It is his case that his father and forefathers were assigned Bhoodan land and were cultivating the said land admeasuring Ac.0.20 guntas in Survey No.147/RU1, Ac.0.20 guntas in Survey No.147/RU2, Ac.0.20 guntas in Survey No.147/RU3 and Ac.0.20 guntas in Survey No.147/RU4 totally admeasuring Acs.2.00 in Puttakota Village, Hamlet of Velugumatla, Khammam Urban Mandal in Khammam District, that after the death of his father, he is cultivating the same, that he was also issued the pattadar pass books and title deeds, and is in possession. It is alleged that when third parties influenced the respondent, he was issued a notice stating that the assignee is not cultivating the land. The petitioner, statedly, submitted explanation, and alleges that without considering the same, the respondent tried to dispossess him, aggrieved by which, he initially filed W.P.No.13824 of 2007 before this Court, and the same was dismissed on 02.07.2007 observing that it was filed only on a mere apprehension.

Be that as it is, the petitioner now alleges that the respondent initiated action and passed order under Section 4 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), vide proceedings in Rc.No.B/3324/2007-16, dated 20.07.2007, ordering resumption of the land from the petitioner for public purpose, aggrieved by which, the present Writ Petition is filed.

Admittedly against any order passed by the Tahasildar, an appeal lies under Section 4-A of the Act to the Revenue Divisional Officer. Curiously, the petitioner filed this Writ Petition without availing the alternative remedy under the Act.

When the statute provides an effective alternative remedy by way of an appeal, ordinarily, a Writ Petition would not lie. Further, this Court disposed of similar Writ Petitions filed against various proceedings of the Tahasildar, dated 20.07.2007. In those cases, appeals were already filed, and therefore, this Court directed the appellate authority, namely, the Revenue Divisional Officer, to dispose of the appeal within a period of two weeks.

In view of the above, this Court is of considered opinion that the petitioner may file appeal against the impugned order before the Revenue Divisional Officer, who is directed to dispose of the same within a period of two weeks from the date of receipt of the appeal. A week's time is granted to the petitioner to file the appeal. There shall be *status quo* regarding possession as on today for a period of two weeks from today.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

06.08.2007

Note: Issue C.C by 08.08.2007.

B/o.

vs